

REMARKS

I. Status of the Application

Claims 1-12 are pending in the application. Claims 1-12 stand rejected. Claims 1, 9 and 10 have been amended. No new matter has been added.

II. Response to Rejections Under 35 U.S.C. § 102(b) and § 103(a)

Claims 1, 2 and 7-12 stand rejected under 35 U.S.C. §102(b) as being anticipated by JP 05-167915 to Daikichi (hereafter, "Daikichi").

Claims 1-6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,831,676 to Takahashi, et al. (hereafter, "Takahashi") in view of Daikichi.

Applicant respectfully requests reconsideration of the claims in view of the amendments now presented herein. For example, independent claim 1 has been amended for further clarification to recite, *inter alia*:

An image sensing apparatus comprising:...

a light-shielding unit that shields said image sensing element from incident light;

an exposure amount loss calculation unit that calculates a loss in exposure amount for said image sensing element caused by a delay in closing of said light-shielding unit;.... (emphasis added)

Support for this amendment may be found on page 17, line 8 to page 18, line 19 of the originally filed Specification. Applicant respectfully submits that Daikichi and Takahashi, taken either alone or in combination, do not teach or suggest an image sensing apparatus comprising "an exposure amount loss calculation unit that calculates a loss in exposure amount for said image sensing element caused by a delay in closing of said light-shielding unit", as required by at least amended claim 1. Independent claims 9 and 10 have been amended to recite similar features to amended claim 1 as described herein.

Applicant submits that the claimed invention solves the problem caused by the delay in closing (the amount of time it takes for the mechanical shutter to close) of the light-shielding unit (mechanical shutter) as described on page 7, line 5 to page 10, line 19 of the Specification. It takes time from when the light-shielding unit starts traveling until it completely shields the image sensing element. The loss in exposure amount caused by traveling of the light shielding unit is calculated by the exposure amount loss calculating unit and the calculated

amount is compensated in accordance with the at least one of the image sensing mode and the image sensing condition that is set by the setting unit.

By contrast, Daikichi merely discloses compensating for exposure loss due to continuous shooting. According to Daikichi, if the luminance information shows 7EV and the aperture stop is set to open, for example, then the shutter speed (here electrical shutter is used) should be 1/15 sec according to the program locus diagram in Fig. 2. However, if the rate of sequential image sensing is set to 30 frames/sec, the shutter speed should be no slower than 1/30 sec. This shutter speed difference causes underexposure of each frame image. This is the cause of exposure loss and the reason Daikichi performs compensation of the exposure loss. Therefore, Daikichi provides no teaching or suggestion about correcting/compensating an exposure loss due to the delay in closing (the amount of time it takes for the mechanical shutter to close) of the shutter.

Furthermore, Takahashi does not disclose a mechanical shutter and thus fails to cure the deficiencies discussed above with respect to Daikichi.

In view of the above, at least independent claim 1 is believed distinguishable over Daikichi and Takahashi for at least the reasons discussed above.

Reconsideration and withdrawal of the rejections of claims 1, 9 and 10 under 35 U.S.C. §102(b) and §103(a) is respectfully requested.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. However, these statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art.

Applicant has not specifically addressed the rejections of the dependent claims because Applicant submits that the independent claims from which they respectively depend, either directly or indirectly, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims should such be necessary.

Applicant believes that the application is in condition for allowance and such action is respectfully requested.

CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

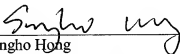
AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 1232-5217. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No 13-4500, Order No. 1232-5217. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
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Dated: May 9, 2008

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